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124
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,610	12/11/2003	Charles W. Cross	BOC9-2003-0066 (437)	8543
40987	7590	09/21/2007		
AKERMAN SENTERFITT P. O. BOX 3188 WEST PALM BEACH, FL 33402-3188			EXAMINER RIDER, JUSTIN W	
			ART UNIT 2626	PAPER NUMBER
			MAIL DATE 09/21/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/733,610

Applicant(s)

CROSS ET AL.

Examiner

Justin W. Rider

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 3, 5-6, 11, 17 and 19-20 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1, 2, 4, 7-9, 15, 16, 18 and 21-24 is/are allowed.
- 6) ☒ Claim(s) 10 and 12-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

1. In response to the Office Action mailed 10 April 2007, applicant submitted a response filed 10 July 2007, in which the applicant amended claims 1, 4, 10, 15, 18 and 24 without adding new matter. Claims 3, 5-6, 11, 17 and 19-20 have been cancelled.

Response to Arguments

2. Applicant's arguments filed 10 July 2007 have been fully considered but they are not persuasive. On p. 11 of Remarks, applicant attempts to differentiate their claimed invention from that of **Rouillard** by making the assertion that the system of **Rouillard** is a portable system across a plurality of operating systems, whereas the system in the instant application is embedded within the operating system. After reading the totality of remarks as well as reviewing the specification, it is not known what novel improvement is presented by merely embedding the system within an operating system. Therefore, as stated below this matter is presented as a suitable alternative that would have been obvious to one possessing ordinary skill in the art at the time of invention. Unless further clarification is forthcoming, either the choice of embedding a markup interpreter or having a portable markup interpreter would both be considered design choices suitable within the art to one possessing ordinary skill pertaining to speech-based multimodal programming.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2626

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 10 and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Rouillard in view of **Eberman et al.**, 'Building voiceXML browsers with openVXI',

Proceedings of the 11th International conference in World Wide Web, 2002, pp. 713-717

referred to as **Eberman** hereinafter.

Claim 10: **Rouillard** discloses a speech-enabled application comprising:

i. a graphical user interface element configured to initiate at least one application operation responsive to a predefined graphical user interface event (p. 2, Figure 2, *this is a GUI that allows a consumer to register within the application, and once this is done, the application continues to oral dialogue mode.*);

ii. a speech-enabled markup associated with said graphical user interface element that specifies said application operation is to be performed responsive to a speech input (p. 3, section 1.2, 'From this moment...If the registration number used by the consumer is correct, the interaction continues on an oral mode'); and

iii. a markup interpreter configured to interpret said speech-enabled markup and initiate said application operation responsive to said speech input (p. 3, section 1.2, 'From this moment...If the registration number used by the consumer is correct, the interaction continues on an oral mode').

Rouillard discloses a method for speech-enabled applications, however failing to disclose, but **Eberman** does, further comprising providing a speech-enabled markup interpreter embedded within an operating system (p. 714, section 3, 'Figure 2 shows the OpenVXI toolkit

Art Unit: 2626

architecture and its component parts. All components are designed to be portable across WINDOWS and Unix operating systems. ') upon which said application executes, wherein said speech-enabled markup interpreter is used to detect said speech input and responsively initiate said application operation (p. 716, section 4.3, 'VoiceXML 2.0 added a required W3C Speech Recognition Grammar Format (SRGF)... ').

It is noted that as discussed in Response to Arguments above, the above implementation of the markup interpreter would be an obvious interchangeable component that would have been suitable within the art at the time of invention to one possessing ordinary skill.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to provide or embed the speech-enabled markup interpreter within an operating system because either choice provides a similar solution that would provide a result that would have been predictable by one possessing the technical ability to perform said tasks.

Claim 12: **Rouillard** discloses a speech-enabled application as per claim 10 above, wherein said speech-enabled application is a Web browser (p. 1, section 1, '*Providing a multimodal...heterogeneous devices (phone and Web browser for example) ')*

Claim 13: **Rouillard** discloses a speech-enabled application as per claim 12 above, wherein said markup interpreter is configured to interpret speech-enabled markup contained within Web pages rendered by said Web browser (p. 1, section 1.1, '*The voice interaction begins with the welcome.vxml file...which continue to interact in oral mode, generating a VoiceXML document.)*

Claim 14: **Rouillard** discloses a speech-enabled application as per claim 10 above, wherein said application is written in a Markup language (p. 1, section 1.1, '*Creating HTML or VoiceXML pages...* ').

Allowable Subject Matter

5. Claims 1-2, 4, 7-9, 15-16, 18, and 21-24 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: Independent claims 1, 15 and 24 as amended sufficiently teach the implementation of a speech-enabled application that defines over the prior art. The remarks provided by applicant on pages 9-11 of Remarks from response submitted 10 July 2007 are sufficient for explanation of how the claimed invention teaches over the prior art. The dependent claims are also allowable for at least narrowing the scope of invention in independent claims 1 and 15. It is noted however that the Examiner's position regarding the interpreter being embedded within the operating system stands for independent claims 1, 15 and 24 and are not persuasive.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

Art Unit: 2626


the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin W. Rider whose telephone number is (571) 270-1068. The examiner can normally be reached on Monday - Friday 7:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R. Hudspeth can be reached on (571) 272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

J.W.R.
14 September 2007



DAVID HUDSPETH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER